

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
KATHERINE TANAKA
3 Assistant Federal Public Defender
Nevada State Bar No. 15581
4 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
5 (702) 388-6577
Aden_Kebede@fd.org
6 Attorney for Raul Rosales-Villegas
7

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 RAUL ROSALES-VILLEGAS,
15 Defendant.
16

Case No. 2:23-cr-00044-GMN-VCF

**UNOPPOSED MOTION TO REOPEN
DETENTION HEARING**

(Oral Argument Requested)

17 Raul Rosales-Villegas, through his attorney, Aden Kebede, Assistant Federal Public
18 Defender, submits this unopposed motion to reopen detention hearing pursuant to 18 U.S.C. §
19 3145(b) and 18 U.S.C. § 3145(f)(2).¹

20 Absent leave to do so, a party may move to reopen a detention hearing based on new and
21 material information. 18 U.S.C. § 3142(f). The Bail Reform Act mandates release unless a judge
22 determines that “no condition or combination of conditions will reasonably assure” the defendant’s
23 appearance and the safety of the community. 18 U.S.C. § 3142(b), (e)(1). “Only in rare cases
24 should release be denied, and doubts regarding the propriety of release should be resolved in the
25 defendant’s favor.” *United States v. Gebro*, 948 F.2d 1118, 1121 (9th Cir. 1991). The Government
26 bears the burden to prove by a preponderance of the evidence that no conditions will ameliorate
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¹ This Motion for review is timely filed.

any flight risk. *Id.* In an illegal reentry case, the only statutory basis for detention is “serious risk” of flight under § 3142(f)(2)(A). Certain factors must be considered. 18 U.S.C. § 3142(g).²

This is an illegal re-entry case. The charge is a violation of 8 U.S.C. § 1326(a) and (b). At his initial appearance on September 13, 2022, Mr. Rosales submitted to detention without argument so that he can consider the government’s fast-track offer. The Court ordered detention as a “serious” flight risk, reasoning in part that “the defendant did not interview with Pretrial Services, and this Court has no information regarding his background, family or community ties, employment history, financial status, or any other information that might be used to fashion terms and conditions of release.”³

Ultimately, Mr. Rosales rejected the government’s fast track offer and the government subsequently indicted on March 7, 2023.⁴ The government does not oppose Mr. Rosales’s motion to reopen his detention hearing but does oppose his request for release.

Therefore, Mr. Rosales respectfully requests that the Court (1) reopen the detention hearing to consider release conditions, and (2) order Pretrial Services to interview the Mr. Rosales before the hearing and prepare a complete report.

DATED this 17th day of March, 2023.

ORDER

IT IS ORDERED that ECF No. 26 is GRANTED. IT IS FURTHER ORDERED that pretrial services shall interview the Defendant. IT IS FURTHER ORDERED that this case is set for a detention hearing on Friday, March 24, 2023 at 3:30 p.m.

RENE L. VALLADARES
Federal Public Defender

By: /s/ Aden Kebede

ADEN KEBEDE
Assistant Federal Public Defender
Attorney for Raul Rosales-Villegas

IT IS SO ORDERED

DATED: 12:41 pm, March 20, 2023



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

² These factors are: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the defendant; (3) the defendant’s character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings, and criminal history; (4) whether at the time of the current arrest the defendant was on probation, on parole, or on other release; and (5) the nature and seriousness of the danger to any person or the community that would be posed by the defendant’s release. 18 U.S.C. § 3142(g).

³ Case No. 2:22-mj-00713-DJA, ECF No. 8

⁴ ECF No. 21.

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that he is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on March 17, 2023, he served an electronic copy of the above and foregoing **UNOPPOSED MOTION TO REOPEN DETENTION HEARING** by electronic service (ECF) to the person named below:

JASON M. FRIERSON
United States Attorney
Edward G. Veronda
Assistant United States Attorney
501 Las Vegas Blvd. South
Suite 1100
Las Vegas, NV 89101

/s/ Jeremy Kip

Employee of the Federal Public Defender